IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.239 OF 2002

Dattu Baban Kale
Age:23 years, Occ.:Agriculturist,
R/o.Gondhalwadi, Tal:Nandgaon, ..Appellant.
Dist.Nashik. (Org.Accd.No.1.)
(Presently undergoing the imprisonment for five years at Nashik Road Central Prison.)

V/s.

The State of Maharashtra
at the instance of P.S.O.
Trimbakeshwar Police Stn.Nashik...Respondent.

Mr.Sandesh Mane for Naveen Chomal for Appellant.

Mr.K.V.Saste, APP for Respondent.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 21, 2006.

P.C.:

1. Mr.Mane on instructions of the advocate on record for the appellant states that the appellant is not interested in pursuing this appeal as the appellant has already undergone the sentence period.

2. Learned APP however, points out that this Court had issued show-cause notice to the appellant for enhancement of sentence vide order dated 31st January, 2002. Accordingly, the learned APP submits that even if the appellant wants to withdraw the appeal, the Court will have to examine the Suo Motu

proceeding for enhancement. This submission is made in ignorance of the order passed by the Division Bench dated 12th October, 2006. The Suo Motu Application No. 1 of 2002 has already been rejected under that order. The learned APP was not aware of this order, as the same has not been furnished to him by his office.

3. Be that as it may, as the appellant is not interested in pursuing his appeal, the same is dismissed, as not pressed.